

6-04-04

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1642

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/697,206
		Filing Date	October 26, 2000
		First Named Inventor	Daniel E. H. AFAR
		Art Unit	1642
		Examiner Name	M. Davis
Total Number of Pages in This Submission	8	Attorney Docket Number	511582002100

## ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form, 1 page in duplicate	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Form 1449, 2 pages Return Postcard
<input checked="" type="checkbox"/> Information Disclosure Statement, 3 pages	<input checked="" type="checkbox"/> CD, Number of CD(s) 3	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

**CUSTOMER NO. 36327**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MORRISON & FOERSTER LLP David L. Devernoe - 50,128
Signature	
Date	June 2, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 273020298 US, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 2, 2004

Signature: (Rhea Amid)

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**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003, Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 180.00)

<i>Complete if Known</i>	
Application Number	09/697,206
Filing Date	October 26, 2000
First Named Inventor	Daniel E. H. AFAR
Examiner Name	M. Davis
Art Unit	1642
Attorney Docket No.	511582002100

**METHOD OF PAYMENT (check all that apply)**
 Check  Credit Card  Money Order  Other  None

 Deposit Account:

Deposit Account Number . 03-1952

Deposit Account Name Morrison &amp; Foerster LLP

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

**SUBTOTAL (1)** (\$ 0.00)
**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20** =	x =	=
Independent Claims	-3** =	x =	=

Multiple Dependent =

Large Entity	Small Entity	Fee Description	
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1202	18	2202	9
1201	86	2201	43
1203	290	2203	145
1204	86	2204	43
1205	18	2205	9

**SUBTOTAL (2)** (\$ 0.00)

\*\*or number previously paid, if greater; For Reissues, see above

**3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051	65
1052	50	2052	25
1053	130	1053	130
1812	2,520	1812	2,520
1804	920*	1804	920*
1805	1,840*	1805	1,840*
1251	110	2251	55
1252	420	2252	210
1253	950	2253	475
1254	1,480	2254	740
1255	2,010	2255	1,005
1401	330	2401	165
1402	330	2402	165
1403	290	2403	145
1451	1,510	1451	1,510
1452	110	2452	55
1453	1,330	2453	665
1501	1,330	2501	665
1502	480	2502	240
1503	640	2503	320
1460	130	1460	130
1807	50	1807	50
1806	180	1806	180
8021	40	8021	40
1809	770	2809	385
1810	770	2810	385
1801	770	2801	385
1802	900	1802	900

Other fee (specify)

\*Reduced by Basic Filing Fee Paid **SUBTOTAL (3)** (\$ 180.00)

SUBMITTED BY		(Complete if applicable)		
Name (Print/Type)	David L. Leverette	Registration No. (Attorney/Agent)	50,128	Telephone (858) 720-7943
Signature		Date	June 2, 2004	



PATENT  
Docket No. 511582002100

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EV 273020298 US Date of Deposit: June 2, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Rhea Amid

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Daniel E. H. AFAR et al.

Serial No.: 09/697,206

Filing Date: October 26, 2000

For: NOVEL GENE UPREGULATED IN  
CANCERS OF THE PROSTATE

Examiner: M. Davis

Group Art Unit: 1642

**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith on CD-R due to length. The Examiner is requested to make these documents of record.

The Applicants understand that the Office is not obligated to consider these references due to receipt of a final Office Action in the present matter. Respectfully, the Applicants assert

06/07/2004 MBLANCO 00000010 031952 09697206

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sd-180975

application, and accordingly, are hereby submitted out of concern for completeness in the present file.

This Information Disclosure Statement is submitted:

- With the application; accordingly, no fee or separate requirements are required.
- Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - A fee is required. A check in the amount of \_\_ is enclosed.
  - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of \_\_ is enclosed.
  - A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search

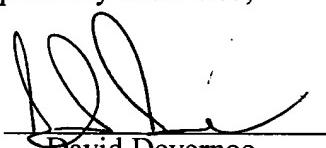
has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. §1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **511582002100**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: June 2, 2004

Respectfully submitted,

By:

  
David Devernoe  
Registration No. 50,128

Morrison & Foerster LLP  
3811 Valley Centre Drive  
Suite 500  
San Diego, California 92130-2332  
Telephone: (858) 720-7943  
Facsimile: (858) 720-5125

<p>Form PTO-1449 <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i></p> <p style="text-align: right;">JUN 02 2004 U.S. PATENT &amp; TRADEMARK OFFICE SEARCHED _____ SERIALIZED _____ INDEXED _____ FILED _____ RECORDED _____ MAILED _____ RECEIVED _____ SEARCHED _____ SERIALIZED _____ INDEXED _____ FILED _____ RECORDED _____ MAILED _____ RECEIVED _____</p>	Docket Number 511582002100	Application Number 09/697,206
	Applicant	Daniel E. H. AFAR et al.
	Filing Date October 26, 2000	Group Art Unit 1642
	Mailing Date June 2, 2004	

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	01/2002	US2002004491	Xu et al.	514	44	
	2.	07/2002	US2002085998	Jiang et al.	424	93.21	
	3.	08/2002	US2002102602	Yuqiu et al.	435	7.1	
	4.	11/2002	US2002172952	Henderson et al.	435	6	
	5.	12/2002	US2002197669	Bangur et al.	435	69.1	
	6.	12/2001	US6331427	Robison	435	226	
	7.	05/2002	US6387697	Yuqui et al.	435	325	

## FOREIGN PATENT DOCUMENTS

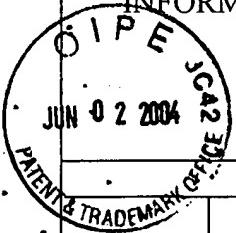
Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	8.	05/2002	CN1351081	China			Abstract
	9.	02/2001	EP1074617	EPO			
	10.	03/2000	WO200015799	WIPO			
	11.	04/2000	WO200021991	WIPO			
	12.	09/2000	WO200055177	WIPO			
	13.	09/2000	WO200055350	WIPO			
	14.	10/2000	WO200060076	WIPO			
	15.	01/2001	WO200100828	WIPO			
	16.	03/2001	WO200118046	WIPO			
	17.	03/2001	WO200118542	WIPO			
	18.	04/2001	WO200122920	WIPO			
	19.	05/2001	WO200131012	WIPO			
	20.	07/2001	WO200149716	WIPO			
	21.	08/2001	WO200155302	WIPO			
	22.	08/2001	WO200155314	WIPO			
	23.	10/2001	WO200179286	WIPO			

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449		Docket Number 511582002100	Application Number 09/697,206
INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>		Applicant	Daniel E. H. AFAR et al.
		Filing Date October 26, 2000	Group Art Unit 1642
		Mailing Date June <u>2</u> , 2004	



24.	12/2001	WO200192581	WIPO					
25.	12/2001	WO200194629	WIPO					
26.	12/2001	WO200196388	WIPO					
27.	12/2001	WO200196390	WIPO					
28.	01/2002	WO200200677	WIPO					
29.	01/2002	WO200204514	WIPO					
30.	01/2002	WO200208456	WIPO				Abstract	
31.	02/2002	WO200210449	WIPO					
32.	04/2002	WO200229103	WIPO					
33.	05/2002	WO200239885	WIPO					
34.	08/2002	WO200258534	WIPO					
35.	08/2002	WO200260317	WIPO					
36.	09/2002	WO200270539	WIPO					
37.	10/2002	WO200277013	WIPO					
38.	10/2002	WO200281749	WIPO					
39.	10/2002	WO200283070	WIPO					
40.	10/2002	WO200283956	WIPO					
41.	11/2002	WO200295000	WIPO					
42.	01/2003	WO2003004989	WIPO					
43.	02/2003	WO2003010329	WIPO					
44.	06/1995	WO9514772	WIPO				Abstract	
45.	02/1999	WO9906550	WIPO					
46.	08/1999	WO9938972	WIPO					
47.	11/1999	WO9958675	WIPO					
48.	12/1999	WO9964576	WIPO					

#### OTHER DOCUMENTS

*(including author, title, Date, Pertinent Pages, Etc.)*

Examiner Initials	Ref. No.	Title

EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.	